

# **Michigan County Opioid Settlement Funds: Transparency, Monitoring & Accountability Guide**

## Table of Contents

<b>Executive Summary</b> .....	<b>3</b>
<b>Transparency Considerations</b> .....	<b>4</b>
<b>What is Transparency and Why is it Important for Opioid Settlements?</b> .....	<b>4</b>
<b>What Guidance Exists on Transparency for Opioid Settlements?</b> .....	<b>5</b>
<b>Universal Considerations</b> .....	<b>6</b>
<b>Community Inclusion</b> .....	<b>6</b>
<b>Conflicts of Interest</b> .....	<b>6</b>
<b>Centralized Location for Information and Public Access</b> .....	<b>7</b>
<b>Phases of Work</b> .....	<b>8</b>
<b>Planning</b> .....	<b>8</b>
<b>Funding</b> .....	<b>9</b>
<b>Monitoring</b> .....	<b>10</b>
<b>Transparency Tools</b> .....	<b>11</b>
<b>Case Studies</b> .....	<b>12</b>
<b>Technical Assistance and Additional Support</b> .....	<b>13</b>
<b>Appendix A: Transparency Checklist</b> .....	<b>14</b>
<b>References</b> .....	<b>15</b>

## Executive Summary

- The guidance document is intended to elevate national guidance on transparency, while highlighting key areas for consideration and practical steps for creating and sharing transparent processes.
- It is recommended that counties now possessing settlement funds create processes to ensure transparency of planning, funding and monitoring efforts.
- Transparency is a responsibility to the public and a tool for local governments to ensure opioid settlement funds are used most effectively and reach those profoundly impacted by the drug overdose crisis.
- Transparency is about availability of information and access to information. This may involve development of communications plans inclusive of what information the public is seeking, how the public would like the information presented and the pathways through which information is accessed.
- Transparency considerations should begin at the outset of the planning process and continue throughout each phase of the work, incorporating information on planning, funding and monitoring.
- Community inclusion, considerations around conflicts of interest and creating a centralized location for opioid settlement-related information should be prioritized throughout every stage of the work.
- Approaches to transparency can be incremental and should remain adaptable to local needs.
- Counties are encouraged to participate in MAC's voluntary reporting survey to enhance technical assistance offerings and improve comprehensiveness of data reporting. County opioid settlement websites are the only county-specific information shared publicly from the survey responses.
- Appendix A provides a checklist for transparency consideration across the phases of work associated with opioid settlements.

## Transparency Considerations

### What is transparency and why is it important for opioid settlements?

***“Transparency is about making information about our work easily available to the public in ways that are useful to [them]”***

- *U.S. Office of Personnel Management*

Transparency around opioid settlements is a means for counties to demonstrate effective stewardship of funds. Transparency requires intentional effort to make information digestible, easily accessible and readily available to the general public. Ensuring marginalized and impacted communities can access information is essential. Governments are receiving opioid settlement funds for the harms caused to communities by manufacturers, distributors and retailers of opioids, among other entities. These settlements have been reached after massive losses of life and harm caused to individuals, families and communities, pointing to a responsibility of governments to ensure those affected have access to information, but are also included in planning efforts and decision-making processes.

Transparency is both a means of fulfilling a public responsibility, as well as a tool for government officials. When governments better understand the ways in which the public accesses information and what information the public seeks, this allows for an opportunity for public input to improve processes, decision-making and identification of blind spots. Transparency can also support decision-makers as a tool for clarifying how and why decisions were made.

Michigan’s [state-subdivision agreement](#), applicable to most opioid settlements, outlines reporting requirements that align with the settlement documents. Local governments are required to report bi-annually on expenditures for non-opioid remediation purposes to BrownGreer, the National Administrator of opioid settlement funds. Due to the lack of comprehensive reporting and transparency requirements, fulfilling these responsibilities falls on local governments.

The Michigan Association of Counties (MAC) conducts an annual voluntary survey for counties concerning planning efforts and opioid settlement fund utilization. The MAC [Opioid Settlement Resource Center](#) website houses the [2024 report](#) and survey response data on the MAC [Opioid Settlement Dashboard](#). While the data provides a strong sense of current themes and common trends, county-specific information is not included.

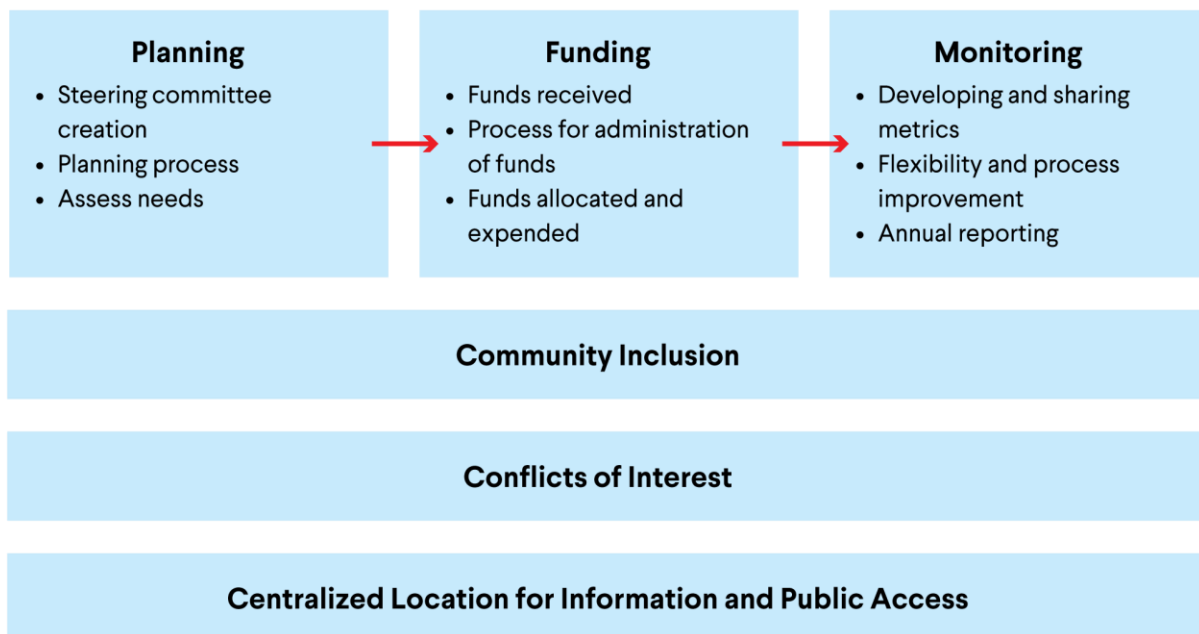
## What guidance and tools exist for transparency with opioid settlements?

***“Public trust and engagement in the expenditures of opioid litigation proceeds is essential to the appropriate disbursement of funds and to maximize impact.”***

- Johns Hopkins Bloomberg School of Public Health<sup>ii</sup>

National experts on opioid settlement funds have developed transparency guidance and tools aimed at supporting governments. Key guidance includes the Johns Hopkins Bloomberg School of Public Health (JHU) – [Principles for the Use of Funds from the Opioid Litigation](#) and Addiction and Public Policy Initiative at the O’Neill Institute for National and Global Health Law at Georgetown Law (O’Neill) – [Conflicts of Interest and Opioid Litigation Proceeds: Ensuring Fairness and Transparency](#). These guidance documents address the many types of transparency that local governments should consider. Transparency is critical throughout the entire process, from initial funds reaching the county to assessing the overall impact of how the funds are utilized. Approaches to transparency can be incremental and should remain adaptable to local needs.

Below is a chart and breakdown of three phases in which to consider transparency: planning, funding and monitoring. Additional information is provided for three key areas in which to address transparency during all phases: community inclusion, conflicts of interest and centralized location for information and public access. Appendix A provides a checklist for transparency consideration across the phases of work associated with opioid settlements.



## Universal Considerations

### Community Inclusion

Community inclusion, intentional and meaningful engagement of individuals and communities impacted by the drug overdose crisis, is a part of transparency that should be considered throughout the entire opioid settlement process.

JHU points to three ways in which governments can align with “Principle 5: Develop a Fair and Transparent Process for Deciding Where to Spend the Funding”.

- 1.) **Determine where the areas of need are.**<sup>1</sup> This means that local data, strategic plans, action plans, and other sources of information be reviewed to identify if there are gaps or opportunities in the existing landscape.
- 2.) **Include community and groups who interact with different aspects of the crisis to create a plan.**<sup>1</sup> This approach requires inclusion of local experts across various fields that touch substance use with special attention being given to include individuals with lived and living experience with substance use. Public input is also a critical aspect of this work and can be accomplished through surveys, focus groups, interviews, public listening sessions, public feedback sessions, public comment periods, town hall meetings and by other means.
- 3.) **Ensure that there is representation that reflects the diversity of affected communities when allocating funds.**<sup>1</sup> Communities most profoundly impacted should have a seat at the table in planning and decision-making processes with specific attention to Black, Indigenous, People of Color (BIPOC) communities.

[Principles for the Use of Funds from the Opioid Litigation](#)

### Conflicts of Interest

Preparing for, and addressing, potential conflicts of interest is a crucial aspect of transparency at every phase. Conflicts of interest occur when an individual in any phase of opioid settlement funds work has a financial or institutional interest that could affect their judgements. Ethical and legal considerations around conflicts of interest differ from personal interests which may exist among those impacted by the drug overdose crisis through lived and living experience with substance use and substance use disorder. The interests of those most profoundly impacted by the crisis

are a critical component of planning and decision-making processes. As some local governments develop steering or advisory committees, request for proposal committees and oversight bodies, conflicts of interest must be addressed. It is critical to ensure that existing local government policies are followed, and additional safeguards may be necessary to ensure appropriate use of these funds.

O'Neill outlines six recommendations associated with advisory or steering committees:

- 1.) **Disclosure and Recusal:** Disclose conflicts of interest and recuse from votes involving organizations with a conflict of interest.
- 2.) **Transparency:** Meetings should be open to the public, available on the Internet, and materials posted.
- 3.) **Diversity and Representation:** Prioritize a diverse makeup of decision-making and advisory councils.
- 4.) **Core Strategies:** Identify core strategies to guide decision-making and advisory councils, or follow the nationally recognized [Principles for the Use of Funds from the Opioid Litigation](#) published by Johns Hopkins Bloomberg School of Public Health.
- 5.) **Prioritize ethical standards:** Provide ongoing training and a mechanism by which to receive guidance.
- 6.) **Enforce ethical standards:** Establish a mechanism for reporting potential ethics violations.

[Conflicts of Interest and Opioid Litigation Proceeds: Ensuring Fairness and Transparency](#)

### **Centralized Location for Information and Public Access**

The creation of a centralized location for public access to information should be considered within all phases of planning. Examples include websites, dashboards, newsletters or other platforms. Access to information is key to meaningful engagement and inclusion with the general public and those most profoundly impacted. Information shared on platforms should be easily digestible and should take into account all populations who may access it. Intentional effort should be made to promote the resource to the community in ways which align with their needs.

- Centralized location for planning information:

- Create a centralized platform for opioid settlement-specific information, including steering committee development, planning process, timelines, action plans or strategic plans, amount of funding, accessing funds, expenditures and monitoring
- Offer instructions for how the public can ask questions, offer feedback and get involved
- Ensure language and content is available at a sixth or seventh grade reading level and is accessible to people of all abilities and individuals and communities most profoundly impacted by the drug overdose crisis

## Phases of Work

### Planning

- **Steering committee creation:**

- Include community members and stakeholders in steering committee membership
- Publish steering committee roster, meeting minutes, meeting documents, data and reports
- Offer open meetings with public access virtually

#### Resources

[Steering Committee Development and Tips for Processing Requests for Funds Guidance](#) – Michigan Association of Counties

[The Principles Quick Guide to Creating a Settlement Council](#) – National Association of Counties and Johns Hopkins Bloomberg School of Public Health

- **Assess needs:**

- Assess the local landscape, gaps and barriers, strengths and existing services, perceptions of substance use, stigma as well as needs
- Prioritize opportunities for stakeholder input and expertise, ensure multidisciplinary engagement, including those with lived and living experience and the general public
- Utilize numerous sources of data, including existing qualitative and quantitative data; develop new pathways for data collection and find opportunities to assess gaps in data and information



- **Planning process:**
  - Create and share public-facing documents outlining the process, timeline, point of contact for accessing information and providing input
  - Provide opportunities for community involvement, public inclusion, public comment and information sharing
  - Provide regular or annual reports outlining inclusive of planning, funding and monitoring efforts

## Funding

- **Funds received:**
  - Share the background of the settlements and why funds are being received, how funding amounts were determined and the amount and timeframe of funds received and expected to be received
- **Process for administration of funds:**
  - Share how and when funds will be administered, the processes undertaken, who qualifies to receive funds and how organizations can apply for funds
  - Provide information on the process and expected timeline to enable organizations to begin discussions regarding gaps, needs and opportunities for coordination and collaboration; ensure agencies with limited staffing or capacity have enough time to prepare for funding opportunities
  - Ensure clarity on directions for completing requests for proposals, scoring guidelines, reporting guidelines and opportunities to ask questions prior to submission date and after decision-making has been completed
  - Make request for proposal application information and information on request for proposal review committee guidance publicly available and accessible and develop a communications strategy to reach all those that may be eligible
- **Funds allocated and expended:**
  - Provide information on the fund allocation and expenditures
  - Provide information on which organizations received funds, which specific services were funded and the duration of funding
  - Require regular reporting from grantees or vendors, include reporting guidelines in contracts and make guidelines visible to the public
  - Share timelines for future proposal processes or opportunities to apply for funds annually, on a rolling basis or within different timeframes

- Create annual financial or spending plans as well as financial reports to be shared publicly

## Monitoring

- **Developing and sharing metrics:**
  - Develop and share the plan for assessing the overall impact of the funds
    - Utilize [Opioid Settlement Principles Resource and Indicators \(OSPRI\)](#) to identify appropriate metrics for assessing both individual program outputs and the overarching impact of settlement funds
  - Promote determined metrics and associated progress over time
  - Develop meaningful metrics through flexibility and coordination with grantees
  - Share metrics and progress reports provided by grantees or vendors
- **Flexibility and process improvement:**
  - Identify when process improvements can be made by monitoring implementation processes, outputs and outcomes
  - Create clear and accessible processes for community input and feedback; outline how these processes will be incorporated into existing structures and work
  - Share any tools or models used for process improvement
- **Annual reporting:**
  - Create annual action plans and impact reports to be shared publicly
  - Contribute to a centralized tool for assessing county activities on planning and spending through MAC's voluntary Annual Opioid Settlement County Reporting Survey

## Transparency Tools

### MAC Opioid Settlement Transparency Tools

- [Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending](#)
  - Roadmap for local governments to assist with planning for, and utilization of, opioid settlement funds. The toolkit is intended to provide direction on process and linkage to existing resources provided by local and national entities and to assist with creation of targeted efforts from any starting place.
- [Public-facing Planning Process Template](#)
  - Document created to share publicly for counties looking to inform community members of the planning process undertaken by the county. This document is also intended to inform the community of anticipated stakeholder engagement and request for proposals processes.
- [Annual Report Template](#)
  - Word file outlining information that counties can share publicly on an annual basis through their website and with community partners that includes key questions to answer to increase public understanding, process and transparency.
- [Steering Committee Development and Tips for Processing Requests for Funds Guidance](#)
  - Guidance document outlining processes, tools and templates associated with both steering committees and request for proposals review committees. Included in the document are request for proposals, budget and request for proposals scoring templates.
- [Spending Plan Template](#)
  - File that can be shared publicly outlining strategies funded, target audiences and goals of funded programs.

## Case Studies

### Berrien County

The county health department developed a website for their Opioid Settlement Task Force, established to provide recommendations to the Board of Commissioners on how to spend funds. The website houses information on the background of the settlements, including links to settlement documents, expected funds to be received and local overdose fatality data. The agencies of the task force members are linked along with meeting agendas and progress reports. Individual points of contact are included for community access to information. The website outlines the overarching timeline for planning and funding efforts and incorporates request for proposal review summaries. Inclusion of links to access support for substance use disorder are also highlighted.

### Calhoun County

County administration created a website that houses background information on opioid litigation and settlements and the purpose of the funds. Information on steering committee development, roster, meeting notes and meeting presentations are included and made available following each session. The county provides a planning process document and template spending plan, to be updated throughout their process. National, state and local resources on settlements and local data are also included.

### Eaton County

The county administration, with the local health department, created a website for a community-based strategic planning process aimed at addressing substance use and misuse broadly. The website provides direct contact information and a form for community members to fill out to get involved. It also provides background on the settlements and a timeline for the County's strategic planning initiative.

### Monroe County

The county administration published a website with links to information related to year 1 and year 2 spending, including strategic and implementation plans. Links to community training sessions are also provided for those interested in learning more about substance use and the drug overdose crisis. This website includes information on how evaluation and process improvements will take place. Community resources, along with recovery and harm reduction resources are also linked on the page. Contact information is also provided for individuals seeking more information.

View county opioid settlement websites on the [Michigan Association of Counties Opioid Settlement Dashboard](#).

## Technical Assistance and Additional Support

- No-cost technical assistance provided by MAC includes a variety of supports, including, but not limited to:
  - Development of customized transparency and communications plans
  - Providing presentations on opioid settlement funds
  - Creation of content for websites, reports and other transparency tools
- Additional templates and tools can be found on the MAC [Opioid Settlement Resource Center](#).
- For support, please complete the [assistance request form](#) or reach out to MAC's technical adviser on opioid settlement funds at [dolinky@micounties.org](mailto:dolinky@micounties.org).

## Appendix A

### Transparency Checklist

This tool is designed to help county governments consider inclusion of specific information to support transparent practices.

#### Phases of Work

##### Planning

- Steering committee roster, meeting minutes, documents, reports and data
- Process and methods for assessment of local needs
- Results of needs assessment
- Planning process overview and timeline
- Regular reports inclusive of planning, funding and monitoring efforts
- \*Community inclusion
- \*Conflicts of interest
- \*Centralized location for information and public access

##### Funding

- Background of opioid settlements
- Funds expected and received
- Funds allocated and expended
- Administration of funds process and documentation
- \*Community inclusion
- \*Conflicts of interest
- \*Centralized location for information and public access

##### Monitoring

- Plans for assessing overall impact of funds and associated metrics
- Grantee or vendor metrics and associated outcomes
- Process improvement plans
- Annual reporting inclusive of planning, funding, monitoring efforts and associated impacts or outcomes
- \*Community inclusion
- \*Conflicts of interest
- \*Centralized location for information and public access

## References

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<https://www.opm.gov/frequently-asked-questions/openopm-faq/general/what-is-transparency-in-the-context-of-open-government/>

<https://opioidprinciples.jhsph.edu/navigating-settlement-fund-decision-making-with-integrity-transparency-and-accountability/>